



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/943,288	10/03/97	DICKSON	L 1274-034K

THOMAS J PERKOWSKI
SOUNDVIEW PLAZA
1266 EAST MAIN STREET
STAMFORD CT 06902

MM51/0810

EXAMINER
LE, T

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 08/10/98

**Please find below and/or attached an Office communication concerning this application or
proceeding.**

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/943,288

Applicant(s)
Dickson et al.

Examiner
Thien Le

Group Art Unit
2876



☒ Responsive to communication(s) filed on Oct 3, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 69 and 70 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 69 and 70 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2876

DETAILED ACTION

1. The preliminary amendment filed on 10/3/97 has been entered. Claims 69-70 are presented for examination.

Drawings

2. The drawings are objected to because the brief descriptions of the following figures are missing from specification: 4B, 4C, 8B3, 11A, 11B, 11C, 19D1, 19D2, 20D1, 27B, 28C1, 28C2, 30B1, 30C1, 30C2. Further, the brief descriptions include the following figures which are missing from the drawings: 11, 19D, 27B1 and 28C. Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

Art Unit: 2876

made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobba et al. [herein Bobba - 5,705,802].

Regarding claim 69, Fig. 15 of Bobba shows a holographic laser scanner having a rotating holographic disk 320; light sources 322, 332 which are considered as laser light sources in light of the discussions set forth in col. 4, lines 1-5 and 30-35; the fold mirrors 326, 336 to form a 3D scanning volume in the manner as shown in Fig. 1; and concave collecting mirrors 328, 338. From Fig. 15, it can be seen that the laser sources, the photodetector, the folding mirrors, the collecting mirrors are arranged which define the width [into the paper] and the length [left-right] of the scanner. The dimensions of the beam folding mirrors, the light collecting mirrors, and the holographic disk determine the height of the scanner [top-down the page]. The claim differs in calling for parabolic collecting mirrors. It would have been obvious to replace Bobba's concave mirrors with parabolic mirrors. The modification is merely substitution of art recognized equivalent which is not considered novel. Official Notice is taken of the use of parabolic mirrors in optical scanning devices and the interchangeability of parabolic mirror with its art recognized equivalent such as concave mirrors, ellipsoid mirrors, etc.

Regarding claim 70, see the discussions regarding claim 69.

Serial Number: 08/943,288

Page 4

Art Unit: 2876

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien Le whose telephone number is (703) 305-3500. The examiner can normally be reached on Monday to Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anita Pellman Gross, can be reached on (703) 308-4869.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



**Thien Le
Art Unit 2876
July 31, 1998**